

401 KAR 51:240. Cross-State Air Pollution Rule (CSAPR) NO_x annual trading program.

RELATES TO: KRS 224.1-010(8), KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 97.401- 97.435, 42 U.S.C. 7410

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-110, 42 U.S.C. 7410

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation establishes the requirements for the control of annual nitrogen oxides (NO_x) emissions from large boilers and turbines used in power plants, pursuant to the Cross-State Air Pollution Rule (CSAPR) NO_x annual trading program, 40 C.F.R. 97.401 through 97.435, Subpart AAAAA for sources located in the Commonwealth of Kentucky. This administrative regulation is not more stringent than the provisions of the federal regulations.

Section 1. Definitions. (1) Except as established in subsection (2) of this section, terms shall have the meaning established in 40 C.F.R. 97.402 and 97.403, as published July 1, 2017.

(2) "Permitting Authority" means:

- (a) For a unit located in Kentucky, the cabinet, as defined by KRS 224.1-010(8); and
- (b) For a unit located outside of the Commonwealth of Kentucky participating in the trading program, "permitting authority" as defined by 40 C.F.R. 97.402.

Section 2. Applicability. This administrative regulation shall apply to CSAPR NO_x Annual units in Kentucky subject to 40 C.F.R. 97.404, as published July 1, 2017.

Section 3. Compliance Requirements. CSAPR NO_x Annual units shall comply with:

- (1) 40 C.F.R. 97.401, Purpose, as published July 1, 2017;
- (2)(a) 40 C.F.R. 97.404, Applicability, as published July 1, 2017; and
- (b) In 40 C.F.R. 97.404(a)(1) and (b), the phrase "in a state (and Indian Country within the borders of such state)" shall be replaced with "in Kentucky".
- (3) 40 C.F.R. 97.405, Retired Unit Exemption, as published July 1, 2017;
- (4) 40 C.F.R. 97.406, Standard Requirements, as published July 1, 2017;
- (5) 40 C.F.R. 97.407, Computation of Time, as published July 1, 2017;
- (6) 40 C.F.R. 97.408, Administrative Appeal Procedures, as published July 1, 2017;
- (7)(a) State NO_x Annual Trading Budgets, New Unit Set-Asides, and Variability Limits for the 2017 control period and thereafter:
 - 1. The NO_x Annual trading budget shall be 77,238 tons;
 - 2. The new unit set-aside shall be 3,090 tons; and
 - 3. The variability limit shall be 13,903 tons; and
- (b) Each Kentucky NO_x Annual trading budget in subparagraph (a)1. of this subsection shall include any tons in the new unit set-aside but shall not include any tons in the variability limit;
- (8) 40 C.F.R. 97.411(a) through (b)(1) and (c)(1) through (c)(5)(ii), Timing Requirements for CSAPR NO_x Annual Allowance Allocations, as published July 1, 2017;
- (9) 40 C.F.R. 97.412(a), CSAPR NO_x Annual Allowance Allocations to New Units, as published July 1, 2017;
- (10) 40 C.F.R. 97.413, Authorization of Designated Representative and Alternate Designated Representative, as published July 1, 2017;
- (11) 40 C.F.R. 97.414, Responsibilities of Designated Representative and Alternate Designated Representative, as published July 1, 2017;
- (12) 40 C.F.R. 97.415, Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source, as published July 1, 2017;

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(13) 40 C.F.R. 97.416, Certificate of Representation, as published July 1, 2017;

(14) 40 C.F.R. 97.417, Objections Concerning Designated Representative and Alternate Designated Representative, as published July 1, 2017;

(15) 40 C.F.R. 97.418, Delegation by Designated Representative and Alternate Designated Representative, as published July 1, 2017;

(16) 40 C.F.R. 97.420, Establishment of Compliance Accounts, Assurance Accounts, and General Accounts, as published July 1, 2017;

(17) 40 C.F.R. 97.421(a) through (g), (i), and (k) through (l), Recordation of CSAPR NO_x Annual Allowance Allocations and Auction Results, as published July 1, 2017;

(18) 40 C.F.R. 97.422, Submission of CSAPR NO_x Annual Allowance Transfers, as published July 1, 2017;

(19) 40 C.F.R. 97.423, Recordation of CSAPR NO_x Annual Allowance Transfers, as published July 1, 2017;

(20) 40 C.F.R. 97.424, Compliance with CSAPR NO_x Annual Emissions Limitation, as published July 1, 2017;

(21) 40 C.F.R. 97.425, Compliance with CSAPR NO_x Annual Assurance Provisions, as published July 1, 2017;

(22) 40 C.F.R. 97.426, Banking, as published July 1, 2017;

(23) 40 C.F.R. 97.427, Account Error, as published July 1, 2017;

(24) 40 C.F.R. 97.428, Administrator's Action on Submissions, as published July 1, 2017;

(25) 40 C.F.R. 97.430, General Monitoring, Recordkeeping, and Reporting Requirements, as published July 1, 2017;

(26) 40 C.F.R. 97.431, Initial Monitoring System Certification and Recertification Procedures, as published July 1, 2017;

(27) 40 C.F.R. 97.432, Monitoring System Out-of-Control Periods, as published July 1, 2017;

(28) 40 C.F.R. 97.433, Notifications Concerning Monitoring, as published July 1, 2017;

(29) 40 C.F.R. 97.434, Recordkeeping and Reporting, as published July 1, 2017; and

(30) 40 C.F.R. 97.435, Petitions for Alternative to Monitoring, Recordkeeping, or Reporting Requirements, as published July 1, 2017. (44 Ky.R. 2284, 2505; eff. 7-5-2018.)